

### **REMARKS**

The Office Action mailed January 19, 2006 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

#### **I. Status Summary**

Claims 64-108 are currently pending in the application, with claims 64, 83, and 103 being independent claims. Claims 1-64 are cancelled and claims 64-108 are added, in accordance with the above amendments.

In the Office Action, various claims 1-63 were rejected over the following references, either alone or in combination:

- U.S. Patent Number 4,874,640 to Donzis;
- U.S. Patent Number 5,092,060 to Frachey, et al.;
- U.S. Patent Number 5,918,383 to Chee; and
- U.S. Patent Number 5,987,781 to Pavesi, et al.

Although claims 64-108 have not been formally rejected over these references, claims 64-108 will be discussed in relation to these references in the following material.

#### **II. Discussion of Claims 64-82**

Independent claim 64 recites a bladder having a sealed barrier, a tensile member, and a fluid. The barrier defines an interior volume and is formed of a polymer sheet material. The barrier has a first portion that forms a first surface of the bladder, a second portion that forms an opposite second surface of the bladder, and a sidewall portion that extends between the first portion and the second portion to form a sidewall of the bladder. The tensile member is located within the interior volume and bonded to the first portion and the second portion of the barrier. In addition, the tensile member is formed of a polymer foam material. The fluid is also located within the interior volume, and the fluid is pressurized to place an outward force upon the barrier and induce tension in at least a portion of the tensile member.

In contrast with the applied references, independent claim 64 recites that (a) the barrier is sealed and (b) the fluid is pressurized to place an outward force upon the barrier and induce

tension in at least a portion of the tensile member. As discussed below, at least one of these features are absent from each of Donzis, Frachey, Chee, and Pavesi.

Donzis discloses an impact absorbing composite having a valve (see element 16). According to Donzis, the "valve allows the pressure in the interior...of the impact absorber to be adjusted, as desired, by adding or removing fluid from the cavity" (Donzis, column 5, lines 54-57). Accordingly, rather than a sealed barrier, as recited by independent claim 64, Donzis discloses a non-sealed barrier that permits the pressure to be adjusted.

Frachey discloses an elastic insert for a sports shoe. The insert includes a casing (see element 15) and various deformable elements (see elements 14) located within the casing. According to Frachey, in the casing "there is present air that has a pressure less than or equal to atmospheric pressure" (Frachey, column 2, lines 53-54). Accordingly, rather than a pressurized fluid, as recited by independent claim 64, Frachey discloses a pressure that is less than or equal to atmospheric pressure.

Chee also discloses an elastic insert for a sports shoe. The insert includes a casing (see element 15) and various deformable elements (see elements 14) located within the casing. According to Chee, in the casing "there is present air that has a pressure less than or equal to atmospheric pressure" (Chee, column 3, lines 13-44). Chee also discloses an embodiment wherein the inset may be pressurized in Figures 6 and 7. As with Donzis, however, this embodiment does not have a sealed configuration. Accordingly, neither of the embodiments in Chee disclose both a sealed barrier and a pressurized fluid.

Pavesi discloses sports footwear with a plurality of inserts. The inserts include a casing and various deformable elements (see elements 14) located within the casing. According to Pavesi, "The elements 14 can be made solid (as in FIGS. 1 to 3) or hollow (as in FIG. 4). In this latter case they can also internally contain a fluid (such as air, liquid or a gas), either at atmospheric or other than atmospheric pressure" (Pavesi, column 4, lines 37-40). Although Pavesi discloses that the elements 14 may be hollow and contain a pressurized fluid, there is no teaching regarding the pressure within the casing. That is, Pavesi does not teach that the fluid within the barrier is pressurized to place an outward force on the barrier.

Based upon the above discussion, the Applicants respectfully submit that independent claim 64 is allowable over Donzis, Frachey, Chee, and Pavesi, and claims 65-82 should be allowable for at least the same reasons.

*Claims 65-67*

Each of Donzis, Frachey, Chee, and Pavesi disclose inserts with planar surfaces, and the elements within the inserts have planar surfaces that are bonded to the casing. In contrast, claims 65-67 respectively recite a non-planar surface, a surface with a concave configuration, and a tensile member with a concave configuration. Accordingly claims 65-67 should be allowable for at least these additional reasons.

*Claims 69 and 70*

In combination, claims 69 and recite that substantially all of the first portion and the second portion of the barrier are bonded to the tensile member, and the sidewall portion of the barrier is substantially unbonded to the tensile member.

Donzis discloses a configuration wherein all surfaces of the foam core are bonded to the barrier. According to Donzis, "the core presses out against the wall and the wall pushes in against the core. The intimate adherent contact between the foam core and the outer wall gives rise to an unexpected degree of product integrity and unexpectedly superior impact absorbing capabilities" (Donzis, column 2, lines 48-53). Accordingly, Donzis effectively teaches away from a configuration wherein a portion of the cores is unbonded to the wall.

Frachey, Chee, and Pavesi all disclose configurations wherein only portions of the upper and lower surfaces are bonded to the elements within the casing. In contrast with claim 69, therefore, Frachey, Chee, and Pavesi do not disclose configurations wherein substantially all of the first portion and the second portion of the barrier are bonded to the tensile member.

Based upon the above discussion, the Applicants respectfully submit that each of claims 69 and 70 should be allowable for at least these additional reasons.

***Claims 71 and 72***

Claim 71 recites that at least a portion of a surface of the tensile member that is adjacent the sidewall portion of the barrier is spaced from the sidewall portion of the barrier, and claim 72 recites that the surface of the tensile member that is adjacent the sidewall portion of the barrier has a concave configuration. None of Donzis, Frachey, Chee, and Pavesi disclose this configuration.

***Claim 73***

Claim 73 recites that surfaces of the tensile member that are adjacent the first portion and the sidewall portion of the barrier have concave configurations. Donzis discloses generally planar configurations adjacent the surfaces and the sidewall. Frachey, Chee, and Pavesi all disclose elements that bow outward in areas that are adjacent the sidewall. Accordingly, none of Donzis, Frachey, Chee, and Pavesi disclose the concave configurations recited by claim 73.

***Claim 74***

Claim 74 recites that the tensile member has a first layer that is bonded to substantially all of the first portion of the barrier, a second layer that is bonded to substantially all of the second portion of the barrier, and a plurality of columns that extend between the first layer and the second layer. This configuration is neither taught nor suggested by Donzis, Frachey, Chee, and Pavesi.

**III. Discussion of Claims 83-102**

Independent claim 83 recites an article of footwear having an upper and a sole structure secured to the upper. The sole structure includes a bladder having a sealed barrier, a tensile member, and a fluid. The barrier defines an interior volume and is formed of a polymer sheet material. The barrier has a first portion that forms a first surface of the bladder, a second portion that forms an opposite second surface of the bladder, and a sidewall portion that extends between the first portion and the second portion to form a sidewall of the bladder. The tensile member is located within the interior volume and bonded to the first portion and the second portion of the barrier. In addition, the tensile member is formed of a polymer foam material.

The fluid is also located within the interior volume, and the fluid is pressurized to place an outward force upon the barrier and induce tension in at least a portion of the tensile member.

In contrast with the applied references, independent claim 83 recites that (a) the barrier is sealed and (b) the fluid is pressurized to place an outward force upon the barrier and induce tension in at least a portion of the tensile member. As discussed above with respect to independent claim 64, at least one of these features are absent from each of Donzis, Frachey, Chee, and Pavesi. Accordingly, the Applicants respectfully submit that independent claim 83 is allowable over Donzis, Frachey, Chee, and Pavesi, and claims 84-102 should be allowable for at least the same reasons.

#### **IV. Discussion of Claims 103-108**

Independent claim 103 recites a method of manufacturing a component for an article of footwear. The method includes forming a barrier that defines an interior volume. A foam member is positioned within the interior volume. The foam member has a first surface and an opposite second surface, with the first surface having a non-planar configuration. The barrier is directly bonded to the first surface and the second surface of the foam member to impart the non-planar configuration of the first surface to a portion of the barrier. In addition, the interior volume is pressurized to place an outward force upon the barrier and induce tension in the foam member.

In contrast with the applied references, independent claim 103 recites that the first surface have a non-planar configuration. Each of Donzis, Frachey, Chee, and Pavesi disclose the bonded surfaces as being planar, rather than non-planar. None of the applied references, therefore, disclose each of the features of independent claim 103. Accordingly, the Applicants respectfully submit that independent claim 103 is allowable over Donzis, Frachey, Chee, and Pavesi, and claims 104-108 should be allowable for at least the same reasons.

#### **V. Conclusion**

In view of the foregoing, the Applicants respectfully submit that all claims are in a condition for allowance. The Applicants respectfully request, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed by facsimile transmission on April 13, 2006. Should fees be deemed necessary for consideration of this Amendment, such fees are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for payment. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

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